



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 17, 1996

Ms. Tamara Armstrong
Assistant County Attorney
Travis County
P.O. Box 1748
Austin, Texas 78767

OR96-0049

Dear Ms. Armstrong:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your requests were assigned ID#s 37174 and 37268.

Travis County received two requests for information concerning the partial vacation of Ginger Street. You assert that the requested information is excepted from required public disclosure based on section 552.103 of the Government Code.

Section 552.103(a) applies to information:

(1) relating to litigation of a civil or criminal nature, or settlement negotiations, to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party; and

(2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.

To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 588 (1991). In this instance

you have made the requisite showing that the requested information relates to pending litigation for purposes of section 552.103(a). The county may therefore withhold the requested records.¹

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID#s 37174, 37268

Enclosures: Marked documents

cc: Mr. William T. Carson
Carson Planners
1004 MoPac Circle, Suite 101
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(w/o enclosures)

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(w/o enclosures)

¹We note that if the opposing parties in the pending litigation have seen or had access to any of the information in these records, there would be no justification for now withholding that information from the requestor pursuant to section 552.103(a). Open Records Decision Nos. 349 (1982), 320 (1982). In that regard, we have marked some information that the county may not withhold from disclosure based on section 552.103. The county also may not withhold from disclosure under section 552.103(a) any other information that has previously been disclosed to the opposing party. In addition, the applicability of section 552.103(a) ends once the litigation has been concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).